

Malawi | Freedom House

Overview

Internet freedom in Malawi has been relatively stable in recent years, but declined during this reporting period as the government arrested social media users for their posts and deactivated SIM cards whose users failed to comply with registration requirements that undermined their ability to communicate anonymously. Brief network and radio disruptions were reported during the May 2019 presidential election.

Malawi holds regular elections and has undergone multiple transfers of power between political parties, though the changes were frequently a result of rifts among ruling elites rather than competition between distinct parties. Political rights and civil liberties are for the most part respected by the state. However, corruption is endemic, police brutality and arbitrary arrests are common, and discrimination and violence toward women, minority groups, and people with albinism remain problem.

Key Developments

June 1, 2018 – May 31, 2019

- During the May 2019 general elections, a network disruption on state-owned service providers raised suspicions that the government had proactively orchestrated the blockage ([see A3](#)).
- In the lead-up to the elections, news organizations such as Zodiak Broadcasting Station and Times Group used Facebook live stream to cover events such as political rallies, presidential nomination-paper presentation, and presidential debates. The use of social media for this purpose is fairly new in Malawi ([see B8](#)).
- In the fall 2018, Malawians successfully used an online petition to halt the construction of a statue of Mahatma Gandhi in the country's commercial capital, Blantyre ([see B8](#)).
- Social media users were arrested for posts online that insulted the president and first lady ([see C3](#)). The government stepped up enforcement of SIM card registration, mandating that all SIMs be registered by September 30, 2018. Users who did not register saw their SIM cards deactivated, though the authorities did not follow through with a parliamentary committee's threat of large fines and imprisonment for noncompliance ([see C4](#)).

A Obstacles to Access

ICTs remained prohibitively expensive for the majority of Malawians, resulting in low access rates across the country. During the May election, a network disruption on state-owned service providers raised suspicions that the government had orchestrated the blockage.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	06
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Landlocked Malawi—with a population of over 17.6 million¹ people—has one of the lowest and slowest-growing rates of internet access in the world, and stands in contrast to the exponential growth in access among its neighbors on the continent. According to the latest data from the International Telecommunication Union (ITU), internet penetration stood at 13.8 percent in 2017. Fixed-broadband subscriptions are extremely rare. Mobile phone penetration is also low, at 41.7 percent in 2017, declining marginally from 42 percent in 2017.²

For the few users who have access, connection speeds are frustratingly slow and have decreased to an average of 1.3 Mbps in 2017 from 1.7 Mbps a year prior, compared to a global average of 7.0 Mbps, according to the State of the Internet report released by the US-based tech company Akamai.³ Slowing speeds have coincided with rising costs due to poor infrastructure management of and lack of investment. Malawi's flagging economy over the past few years has reinforced its status as a least developed country, with soaring inflation having had a negative impact on the ICT sector.

Unreliable electricity and the high cost of fuel-generator power strain ICT use. Just 11 percent of the country has access to electricity, giving Malawi one of the lowest electrification rates in the world, according to the World Bank.⁴ While frequent electricity blackouts remain one of the country's biggest problems, this has slightly improved in the past year. Nevertheless the sporadic and infrequent power supply adversely affects the delivery of internet and mobile services in the country.⁵ Half of Malawi's private-sector enterprises rely on backup generators.

Due to Malawi's landlocked location, it is connected to the international fiber network in Mozambique, Zambia, South Africa, and Tanzania through the SEACOM and EASSy networks. The fiber optic network SimbaNET was launched in May 2016, establishing a connection between the capital, Lilongwe, and Tanzania.⁶ In April 2018, the Malawi National Optic Fibre Backbone Project was completed by the Chinese company Huawei, and is expected to deliver faster internet services.⁷

The country's ICT backbone is entirely national in nature, with no regional integration yet in place. The scarcity of regional internet exchange points forces telecoms to rely on upstream service providers that are usually based outside the country, in Europe or North America. Data that should be exchanged locally within Malawi or regionally must pass outside Africa, resulting in an unnecessary and expensive use of upstream bandwidth.

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	13
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Access to the internet is prohibitively expensive for the majority of the people in the country, due to high data tariffs and expensive devices.

Poor growth rates of internet and mobile phone access are largely the result of the high service costs for consumers, which include a 17.5 percent value-added tax (VAT) on mobile phones and services, a 16.5 percent VAT on internet services,⁸ and an

additional 10 percent excise duty on mobile phone text messages and internet data transfers.⁹ Consequently, access to the internet is extremely expensive for average Malawians. As of March 2019, a monthly data bundle for 10GB cost \$22 with both Airtel¹⁰ and TNM.¹¹

The country's average monthly income is equivalent of less than \$900,¹² which means that the price of the internet hits the country's poor the hardest, as those without access are effectively shut out of an increasingly digital world of important services like mobile banking and money services that could help lift them out of poverty, as well as access to essential communications platforms. In September 2017, the Consumers Association of Malawi (CAMA) criticized the failure of the Malawi Communications Regulatory Authority (MACRA) to address concerns about affordability and access.¹³

Geographic location creates a divide in internet access. The high cost of infrastructure development in rural areas makes companies unwilling to invest in the country's remote regions. Because the electricity grid is concentrated in urban centers, 25 percent of urban households have access, compared to a mere 1 percent of rural households. A low literacy rate of 64 percent also remains a barrier to accessing ICTs, and there is also a significant digital divide along gender lines.¹⁴

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	46
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On the night of May 21, 2019, a few hours after polling stations for Malawi's 2019 tripartite elections had closed, NetBlocks reported a network outage "spanning several hours" in which nationwide connectivity fell to 80 percent of normal levels. The report said the affected networks were Malawi Telecommunications Limited (MTL), which is 20 percent owned by the government, fiber-optic network SimbaNET, and ICT infrastructure operator Malswitch. It noted that connectivity via privately owned internet providers generally remained available.¹⁵ However, locally this was not noticed, perhaps due to sporadic internet service supply, which generally has moments of outages. Adding to concerns that communications were intentionally disrupted, on the same evening, private radio broadcasters experienced disruptions for several hours. It is reported that only Malawi Broadcasting Corporation Radio 1, which is state-run, was unaffected.¹⁶

According to a report by the Southern African Litigation Centre (SALC) and the Media Institute of Southern Africa (MISA), the government denied that there was a network disruption and said that vandals had damaged infrastructure, causing a temporary shutdown. However, the report also notes that MACRA resisted the government's attempts to shut down the internet, but that the government allegedly applied direct pressure ISPs to shut down their networks.¹⁷

Other than this there were no any restrictions on connectivity imposed during the report's coverage period. The government of Malawi does not have centralized control over the international gateway, which the ITU characterizes as competitive.¹⁸

Malawi has a total of six fiber gateways to the SEACOM and EASSy cable landings, three each through MTL and the Electricity Supply Corporation of Malawi Limited (ESCOM). The state-owned Malawi Sustainable Development Network Programme

(SDNP), a licensed ISP, oversees the local traffic hub that connects the country's ISPs, but does not have the capacity to block content or restrict connectivity.¹⁹

Article 24(2)(e) of the 2016 Online Transactions and Cyber Security Act provides that online communication may be restricted in order to “protect order and national security,” while article 24(2)(f) provides that online communication may be restricted in order to “facilitate technical restriction to conditional access to online communication.”²⁰ These provisions are vulnerable to state abuse and could be used to implement full or partial internet shutdowns whenever it fits the government.

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	36
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There are no legal or regulatory barriers that restrict the diversity of service providers. However, there is a lack of diversity among mobile service providers in the country. The industry is dominated by a de facto duopoly of Airtel Malawi and Telekom Networks Malawi (TNM), whose internet prices are almost the same, eliminating competition between them. The third operator, Access Communication, offers no serious competition to the two main operators. Mobile phone services are offered by three providers—Airtel Malawi, Telecom Networks Malawi (TNM), and Access Communications.²¹

Malawi's ICT market is reasonably competitive with 50 licensed ISPs, the majority of which are privately owned with the exception of the Malawi Sustainable Development Network Programme (SDNP).²² Political connections are often necessary to obtain licenses from MACRA (see A5).

MTL operates the country's telecommunication backbone, leasing its infrastructure to most ISPs and mobile phone service providers in the country.²³ Previously a government-owned entity, MTL was privatized in 2005; at present, the government retains 20 percent of MTL shares while Telecomm Holdings Limited holds the other 80 percent. MTL decommissioned its mobile phone service in December 2017.²⁴

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	14
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The telecommunication operator in Malawi lacks political independence because the regulators' board is appointed by the president. Also, the regulator has strong links with Ministry of Information, and the minister acts as one “advisors” of the regulator.

MACRA remains the country's sole communications regulator, established under the 1998 Communication Act, to ensure reliable and affordable ICT service provision throughout Malawi. Its mandate is to regulate the entire telecommunications sector and issue operating licenses for mobile and fixed-line phone service providers, ISPs, and cybercafés. In practice, political connections are often necessary to obtain such licenses.

The institutional structure of MACRA is subject to political interference, with its board comprised of a chairman and six other members appointed by the president,

and two ex-officio members—the secretary to the Office of the President and Cabinet, and the Information Ministry secretary.²⁵ The director general of MACRA, whose appointment is also overseen by the president, heads the authority’s management and supports the board of directors in the execution of its mandate.

Moreover, article 5(1) of the Communications Act²⁶ stipulates that “the authority may, where necessary, seek the general direction of the minister as to the manner in which it is to carry out its duties.” It is then not surprising that by its own admission, MACRA has checkered public reputation. In its 2015–20 Strategic Plan, the regulator states that one of its weaknesses is a perceived bias in regulation by operators.²⁷

B Limits on Content

Online content remained uncensored during the coverage period, although online news outlets were subject to government manipulation via unofficial directives to news outlets. News organizations used social media to cover the election period, which is a fairly new practice in Malawi. Diversity of content online remains limited.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content?	66
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While past regimes have censored internet content,²⁸ the current government does not block or filter content aside from child sexual abuse images. Social media platforms are freely available.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content?	34
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There were no publicly documented cases of content removal in Malawi during the reporting period. However, according to an editor with one of the country’s main news organisations, forced content removal is common, and content removal by way of private direction to news editors likely occurred during the coverage period. Such orders mostly come from top government officials, including at least one incident from a government minister, according to an interview with this editor, who opted to remain anonymous.²⁹

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	34
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While there were not any cases of restrictions on internet usage during the research period, the Electronic Transaction and Cyber Security Act contains vague provisions that could be used by the government to restrict online content. Article 24 allows for restrictions on online communications to “protect public order and national security,” a broad provision open for abuse.³⁰ The same article would also “facilitate technical

restriction to conditional access to online communication,” an unclear clause that could be interpreted to enable network shutdowns or blocks on social media platforms.

Without central control over infrastructure, the most direct way for the government to restrict connection would be through an agreement with private telecommunication operator.³¹ Malawi does not have any law prohibiting the government from doing so, and recent government suggestions that it could partner with telecommunications providers on monitoring programs suggest that it could also restrict content through such partnership agreements (see C6).

Instances of content removal via unofficial directive are public and cannot be appealed.

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?	34
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Internet users and commentators are generally open to discussing topics of controversial nature. However, recent arrests of individuals for posts on social media adds to a climate of intimidation that prompts a degree of self-censorship, particularly among media professionals and social media users. Online journalists usually exhibit caution when handling news associated with ethnic, racial, or religious minorities.

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	24
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Online news is subject to government manipulation via government directives. In interviews, several journalists who preferred to remain anonymous said their articles are sometimes never published online or in print because their editors received directives from officials to refrain from publishing about certain topics (see B2).

The 1967 Protected Flag, Emblems and Names Act and the 1947 Printed Publications Act both restrict the media from reporting on the president, among other limitations.³²

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	13
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The Malawi Sustainable Development Network Program (SNDP) administers the .mw domain on behalf of the Malawian government.³³ The domain's high cost is an obstacle to publishing locally produced content. According to an official at the SDNP, the cost of using the .mw domain is \$100 per month for two months after registration, and \$50 per month thereafter.

Malawians unable to afford the .mw domain also face limitations when trying to access foreign domains, due to the country's limited option for online payments. The payment system online is a complicated, as it requires users to have a foreign currency account or Visa card in order to complete a transaction; the majority of Malawians do not have such accounts.³⁴ Furthermore, online advertising is low due to a limited understanding of the internet among businesses, which are hesitant to advertise with independent media outlets.

B7 0-4 pts

Does the online information landscape lack diversity?	24
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Even though the online landscape in Malawi is generally open and free, the space does not reflect a wide diversity of viewpoints, primarily due to the low level of internet use (see [A1](#) and [A2](#)). Additionally, economic conditions make it difficult for local journalists and media groups to launch online outlets, and the few local publications available online are also limited in their coverage due to a lack of editorial staff. The dominant local news organizations posting original content are traditional media outlets that have also established online platforms.

Nevertheless, Malawi's blogosphere has continued to grow. Prominent bloggers tend to be employed as full time journalists; they often publish content on their blogs that they know their media employers are unlikely to publish due to editorial pressure or concerns about reprisals from criticized individuals or bodies.³⁵ Some cultural topics remain taboo.

Foreign news and other websites are readily available and contribute to the diversity of content that Malawians have access to—though not much of what they publish addresses local issues.

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	56
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Online mobilization tools are available to users in Malawi and digital activism for political or social causes occurs occasionally. The most influential ICT tool remains the mobile phone. Messaging platforms such as WhatsApp are regularly used to organize campaigns and demonstrations, garner political support, and conduct opinion polls. In the lead-up 2019 tripartite elections, news organizations such as Zodiak Broadcasting Station and Times Group used Facebook livestream to cover events such as political rallies, presidential nomination-paper presentations, and presidential debates. The use of social media for this purpose is a new phenomenon in Malawi.

In the fall, Malawians successfully used online petition to force the government backtrack on its decision to erect a statue of Mahatma Gandhi in the country's commercial capital, Blantyre.³⁶

C Violations of User Rights

Social media users were arrested for posts that were critical of the president and

first lady, contributing to a climate of intimidation that persists for media professionals and social media users in general. The government stepped up enforcement of SIM-card registration.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?	36
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Malawi has strong constitutional guarantees for freedoms of the press and expression, and the constitution of the republic of Malawi is a supreme law of the land—meaning that any law that contradicts it should be invalidated. However, there are several laws that restrict freedom of expression in practice ([see C2](#)).

While judicial appointment processes lack transparency, the judiciary is generally regarded as independent.[37](#)

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities?	14
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Libel is punishable by up to two years' imprisonment if prosecuted as a criminal charge, although most libel cases are processed as civil offences or settled out of court.

In an effort to provide a regulatory framework for ICTs and address cybercrime, parliament passed the controversial Electronic Transactions and Cyber Security Act in July 2016, and it came into force in June 2017.[38](#) Article 24 allows for restrictions on online communications deemed necessary to “protect public order and national security.”[39](#) The same article would also “facilitate technical restriction to conditional access to online communication,” another unclear clause that could be interpreted to enable network shutdowns or blocks on social media platforms.[40](#) Article 87 penalizes “offensive” electronic communication that disturbs the privacy rights of any person with fines or a prison sentence of up to a year, a provision that public officials could exploit to punish critical speech by online journalists or internet users.[41](#) Article 52 of new law also places vague restrictions on encryption ([see C4](#)).

C3 0-6 pts

Are individuals penalized for online activities?	36
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Two users were charged during the coverage period over social media posts critical of the president and first lady.

In August 2018, social media activist Manes Winnie Chitedze Hale was arrested for allegedly insulting the state president on her Facebook page.[42](#) The arrest came days after the president had publicly threatened to use the Protected Flag, Emblems and Names Act to prosecute those who insult him.[43](#) Hale was granted bail but faces up to two years in prison if convicted.[44](#) However, the state withdrew the case a week later, without giving any clear reasons for the withdrawal.[45](#)

In April 2019, Tumpale Makibinga was arrested in Blantyre for a meme he posted on social media that likened the cartoon character Rango to Malawi's first lady, Getrude Mutharika. He was charged with insulting the modesty of a woman, cyber violation, and offensive communication, and held for three days before being released on bail. The bail conditions includes a bond and a restraining order stopping Makibinga from posting anything on social media relating to Mutharika; his trial began in late May 2019.[46](#)

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	34
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SIM registration is mandatory in Malawi, as stipulated by the 2016 Communications Act,[47](#) and requires proof of identity. Accepted documents include national identity cards, driver's licenses, and passports;[48](#) use of official documents to register SIM cards undermines the ability to communicate anonymously via mobile phones.

The Malawi Communications Regulator Authority (MACRA) announced that numbers that were not registered by a September 30, 2018, deadline would not be able to access phone services.[49](#) As a way of enforcing the SIM registration, the Parliamentary Legal Affairs Committee stated that unregistered SIM cards in use after the deadline would be fined 5 million kwacha (nearly \$7,000) and face up to five years of imprisonment.[50](#) This punishment is outlined in Section 94 of the 2016 Communications Act[51](#) but was not enforced; SIM cards that were not registered by the deadline were deactivated.[52](#)

Similarly, article 31(1)(a) of the same Electronic Transactions and Cybersecurity Act mandates that online content providers must display on their website the full name, domicile, telephone number, and e-mail address of the editor. Even though the government does not actively enforce this provision, its presence in the statutes undermines citizen's right to privacy and anonymity and encourages self-censorship.[53](#)

The Electronic Transactions and Cyber Security Act requires providers of cryptography services or products to register with MACRA and provide the regulator with "the technical characteristics of the encryption means as well as the source code of the software used."[54](#) Its provisions potentially affect services with end-to-end encryption, such as WhatsApp, and violations can carry up to seven years in prison, a fine of 5 million kwacha, or both.[55](#)

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	46
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Government surveillance of ICT activities is strongly suspected in Malawi, particularly in light of the regulatory authority's January 2018 implementation of technology called the Consolidated ICT Regulatory Management System (CIRMS),[56](#) which is known locally as the "spy machine." The regulatory body MACRA described the system as a tool for monitoring the performance of mobile phone companies and improving quality of service. However, news reports said that the technology would

also allow MACRA to obtain data from telephone operators, including the time, duration, and location of calls; SMS messages sent and received; the type of handset used; and other subscriber details; all without judicial oversight.⁵⁷ However, there have been no reported cases indicating that MACRA has ever implemented or attempted to implement any of these.

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?	26
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Service providers do not necessarily monitor the communications, but can be legally compelled by courts to hand over user information.

Legal safeguards have failed to prevent abuse in the past, particularly under the past presidents. However, there are no any examples for such cases during the period of research.

However, in January 2019, the newly appointed minister of communication hinted that the government was considering programs to trace people who abuse social media, and was engaged with one of the country's major telecommunication providers, Telekom Networks Malawi (TNM), to that end.⁵⁸ No clear program has emerged from the consultations.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities?	45
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Periodic assaults, extralegal detentions, and harassment of opposition activists, bloggers, or ordinary internet have contributed to a climate of intimidation, particularly for media professionals.⁵⁹

In the past there have been numerous reports of threats against political commentators and journalists who are critical of the government and the ruling party;⁶⁰ these tend to come through phone calls and text messages, and are not usually prosecuted.

Physical assaults of journalists—whose work is often crossposted to online platforms, live streamed, or tweeted—take place occasionally. In February 2019 journalist George Banda was assaulted by United Transformation Movement (UTM) supporters, who allegedly accused him of being a partisan, not a journalist.⁶¹ Sometimes attacks against journalists are perpetrated by state security forces, who act with impunity. In March, a Zodiak Broadcasting Station journalist, John Paul Kyuni, was reportedly assaulted by police officers for photographing a protest.⁶²

Sexual harassment of women in Malawi by their peers, the public, and police is a pervasive issue and has been inflamed by the internet in recent years.

C8 0-3 pts

Are websites, governmental and private entities, service providers, or	33
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individual users subject to widespread hacking and other forms of cyberattack?	
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There were no technical attacks against independent news websites, activists, or ordinary users reported during the period under review. There has been no evidence of state sponsoring or condoning cyberattacks on critics. Neither has there been instances where critical national infrastructure or government agencies have been attacked in a manner that affected large numbers of people